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TO: Examiner Henry Yuen DATE: Jan 23-2008
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FACSIMILE NO.: 571-273-4856
FROM: Rich Godlewski NO. OF PAGES 2
30,056 (including this cover sheet).

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In Re: 09/449,270 PA-5169-CON

Attached is copy of requested
Decision Granting Petition
to revive application.

Rich Godlewski



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Paper No. 19

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In re Application of
HARTLEY ET AL.

App'l No.: 09/449,270

Filed: November 24, 1999

For: PROSTHESIS AND A METHOD AND MEANS OF
DEPLOYING A PROSTHESIS

Attorney Docket Number: PA-5169-CON

**DECISION GRANTING
PETITION**

37 CFR 1.181

This is a decision on petitioner's request filed October 7, 2003 to review the holding of abandonment, mailed October 3, 2003. The petition is considered pursuant to 37 CFR 1.181 and no fee is required for this petition.

The petition is granted.

A review of the record indicates that a final rejection was mailed on December 18, 2002. Applicant timely filed a response to the final rejection on March 28, 2003 that included an amendment and a 1-month extension of time. On April 7, 2003, an interview was conducted in which the examiner indicated that the finality of the previous office action was withdrawn. With the finality of the office action of December 18, 2002 withdrawn, the response filed March 28, 2003 was a timely filed response to a non-final rejection. The advisory action mailed August 14, 2003 is in error because the application was no longer under final rejection.

In view of the above, the Advisory Action mailed August 14, 2003 and the Notice of Abandonment mailed October 3, 2003 are hereby vacated. The holding of abandonment is withdrawn. The application will be forwarded to the Technical Support Staff to return the application to an active status and for entry of the amendment. The application will then be forwarded to the examiner for action not inconsistent with this decision.

Richard A. Bertsch
Richard A. Bertsch, Director
Technology Center 3700

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